



FOUNDED 1870

ST. JOHN'S UNIVERSITY

VICE PRESIDENT FOR INTERNATIONAL RELATIONS
CENTER OF ASIAN STUDIES
OFFICE OF THE DEAN

Received
11:10 AM

高主任：暨夫人伉俪：

聖大之事承相助感激不盡，今得另苦煩您們，還請不棄，再續賜助母校。

今日，張旭成由李司長得悉，簡部長對支持補助聖大的立場是肯定，而高次長目前仍積壓該補助案批文，他以此手對此事仍持消極態度。張旭成為此，特於今日（七月九日）聯繫次長討論此事，並已約定週四上午十一時去見部長商討此案，未知您是否記憶猶新，當日在次長辦公室，他曾允諾對此案不表反對態度，因而，可否在張旭成拜訪次長之前，若請您提靈灌頂，明示道理，則能遵信。如果在價格上可以解決問題，則我可立即電匯，我將於週三另電話向您請示。再次感謝您們的偏勞。 幸甚
祝安

楊 章 署 上

7/8/03

UNOFFICIAL TRANSLATION:

Committee Members Dr. and Mrs. Gao,

I appreciate very much your help in the matter of St John's University. Once again, I apologize for the trouble and hope that both of you will continue to offer your assistance to the school.

Today, Zhang Xu Cheng learned from Bureau Chief Qin that Department Head Kan's support of St John's University is confirmed. However, Vice Department Head Gao still has not approved the support. It appears that he is quite passive towards this matter. Zhang Xu Cheng had arranged a communication with the vice department head to discuss this matter today (July 9th). Also, he had agreed to meet with the department head on Thursday at 11am to discuss the case. Do you recall this? On that day, when we were in the vice department head's office, he had agreed not to raise any objections toward this matter. Therefore, before Mr Zhang Xu Cheng visits the vice department head, can you please have a drink with him to mention this, and persuade him to carry on as promised? If money can solve this problem, I can transmit funds immediately. I will call you on Wednesday for an update. I thank you again for your effort.

Cecilia Chang
July 8, 2003



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ST. JOHN'S UNIVERSITY

VICE PRESIDENT FOR INTERNATIONAL RELATIONS
CENTER OF ASIAN STUDIES
OFFICE OF THE DEAN

August 10, 2003

Honorable Governor Frank H. Murkowski
Office of the Governor
240 Main Street
Suite 300
Court Plaza Building
Juneau, AK 99811

Dear Governor Murkowski,

Although we have not been in contact for quite some time, please be assured that you are always in my thoughts. I hope that this letter finds you and your family well.

I understand that you are currently in the process of welcoming President Chen Shui-bien to Alaska. St. John's University has long maintained an amiable relationship with the Taiwanese government. St. John's University is currently in the process of having the Formosa Grant for 2004-2006 reviewed for renewal. This Grant needs the approval of President Chen by September 1, 2003. In the past, Taiwan has benefited greatly from this Grant. Numerous Taiwanese officials have praised the success of the Formosa Grant, and cherish St. John's University's constant assistance and support to Taiwan. Undoubtedly, it is truly worthwhile for Taiwan to renew the Formosa Grant for 2004 – 2006.

I would be most appreciative if you could mention St. John's University to President Chen. I feel that your support for St. John's University would encourage President Chen to favor the renewal of the Formosa Grant. If you find it appropriate, a letter from your office to President Chen stating support for the Grant would be most advantageous. For your reference, I have attached a draft letter stating the major points of the Formosa Grant. Please feel free to make any changes or amendments to it.

I also would like to express my sincerest congratulations on your daughter's position as Senator of Alaska. As a father and fellow official, you must be very proud of her success. St. John's University has always recognized the many endeavors and accomplishments of both you and your daughter. Therefore, it is the distinct pleasure of our University to invite you and your daughter to St. John's University to have honorary degrees bestowed upon both of you.

♦ 8000 UTOPIA PARKWAY ♦ JAMAICA, NY 11439 ♦ (718) 990-6581 ♦ FAX: (718) 990-2088 ♦
♦ E-MAIL: changc@stjohns.edu ♦

CAMPUSES: QUEENS, NY ♦ STATEN ISLAND, NY ♦ NEW YORK, NY ♦ OAKDALE, NY ♦ ROME, ITALY

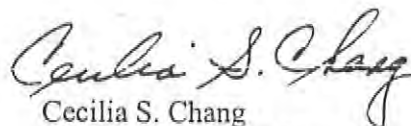
Only the world's most prominent personalities are eligible to receive an honorary degree from St. John's University. This award would truly befit such distinguished dignitaries like you and your daughter.

I hope to hear a favorable reply from you in the new future.

Should you need to contact me, I can be reached by telephone at (718) 990-6581, by fax at (718) 990-2088, or by email at changc@stjohns.edu.

With the warmest regards, I remain

Most sincerely yours,

A handwritten signature in cursive script, reading "Cecilia S. Chang".

Cecilia S. Chang
Vice President and Dean

DRAFT

August 10, 2003

His Excellency Shui-bian Chen
President
Chiehshou Hall
122 Chungking S. Road, Sec. 1
Taipei, Taiwan
Republic of China

Dear President Shui-bian Chen,

As we draw closer to your October trip, I am looking forward to welcoming you in my beautiful State of Alaska. I hope that this letter finds you and your family well. It has come to my attention that St. John's University's Formosa Grant for 2004 – 2006 is currently in the process of review for renewal. I write to you to express my strong support for the approval of this Grant.

It has long been recognized that St. John's University and Taiwan have maintained an amiable relationship. I feel that the Formosa Grant is important because it raises awareness in the United States of issues relating to Taiwan. It is unquestionable that St. John's University has contributed tremendous support and assistance to Taiwan and we have all seen the many benefits Taiwan has received from the help of St. John's University. Dr. Cecilia S. Chang, Vice President of St. John's University has promoted Taiwan and brought its issues into light to many United States officials, including myself. Through her perseverance, St. John's University is now recognized as the icon of American support for Taiwan and its issues. I undoubtedly believe that it is truly worthwhile for Taiwan to renew the Formosa Grant for 2004 – 2006.

I truly hope to be able to meet with you in Alaska soon.

Should you need to contact me, I can be reached by telephone at (907) 465-3500, by fax at (907) 465-3532 or by email at [].

With the warmest regards, I remain

Most sincerely yours,
Governor Frank Murkowski

FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
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August 19, 2003

The Honorable Chen Shui-bian
President of the Republic of China
No. 122 Chunking S. Rd., Sec. 1
Taipei, Taiwan
REPUBLIC OF CHINA

Dear Mr. President:

As we draw closer to my upcoming trip to Taiwan in October, I look forward to seeing you once again. I hope this letter finds you and your family well. It has come to my attention that St. John's University's Formosa Grant for 2004-2006 is currently in the process of review for renewal. I write to you to express my strong support for the approval of this grant.

It has long been recognized that St. John's University and Taiwan have maintained an amiable relationship. I feel the Formosa Grant is important because it raises awareness in the United States of issues relating to Taiwan. It is unquestionable that St. John's University has contributed tremendous support and assistance to Taiwan and we have all seen the many benefits Taiwan has received from the help of St. John's University. Dr. Cecilia S. Chang, vice president of St. John's University, has promoted Taiwan and brought its issues to light to many United States officials, including myself. Through her perseverance, St. John's University is now recognized as the icon of American support for Taiwan and its issues. I undoubtedly believe it is truly worthwhile for Taiwan to renew the Formosa Grant for 2004-2006.

If I can offer more information or assistance, please contact me. Best wishes and again, I look forward to our upcoming visit to the Far East.

Sincerely yours,

A handwritten signature in dark ink, reading "Frank H. Murkowski".

Frank H. Murkowski
Governor

June 8, 2004

Dear Governor Murkowski,

Some time has passed since our last correspondence. I hope this letter find you and your lovely wife Nancy well. I received a letter from Kimberly stating her enthusiasm in starting St. John's. I am so pleased to be able to provide her with assistance during her studies.

I wanted to let you know that I will be in Turkey starting June 18th to July 15th. As you may know, Taiwan declined to renew our Academic Enhancement Grant. Since January 1st of this year, we have no longer been receiving any funding from Taiwan. On January 25, 2004, St. John's bestowed an Honorary Degree of Laws upon Recep Ayyip Erdogan, Prime Minister of Turkey. Before receiving this award, it was understood that the Turkish Government would replace Taiwan and provide an annual grant of \$300,000.00 to St. John's University. The purposes of my trip is to further fortify relations with the Turkish government, finalize the details for the implementation of a Turkish Cultural Grant, and meet with prominent businessmen and luminaries to campaign for St. John's University.

Although we have a respectable rapport with the Premier, it would be highly advantageous for our University to communicate our presence in the United States political arena to the Turkish Government. I understand that President Bush is expected to visit Turkey during the coming months. It would be highly advantageous for St. John's University to be invited as a United States guest to any functions the President is planning to attend while in Turkey. I will be in Turkey starting June 18 to July 11, and therefore would be able to represent our University at these functions. Any assistance towards campaigning for our University will be greatly appreciated.

I also wanted to remind you that your bestowal of an Honorary Degree has been approved by the Board of Trustees. However, it is my hope that one day our University will be able to bestow Honorary Degrees upon both you and your lovely daughter Lisa.

I look forward to hearing from you soon regarding any possible opportunities for my invitation as a United States guest to the Turkish functions with President Bush. I can be reached by telephone at (718) 990-6581, by fax at (718) 990-1881, and by email at changc@stjohns.edu.

With warmest regards and best wishes for a safe and enjoyable summer season, I remain,

Most sincerely,

Cecilia S. Chang



FOUNDED 1870

ST. JOHN'S UNIVERSITY

CENTER OF ASIAN STUDIES

September 24, 2007

Dear Governor & Mrs. Murkowski,

Although we have not been in contact for quite some time, please be assured that you are always in my thoughts. I hope that this letter finds you and your family well. I am so happy that your granddaughter, Kimberly is doing well here at St. John's and that this she is in her final year. I hope you plan on visiting New York soon as it would give me great pleasure to be your host.

I am writing at this time to ask for your assistance concerning an immigration application for a St. John's Honorary Alumni, Chairman You-Theng Wang. I am hopeful that you will be able to ask your daughter, Senator Murkowski to intercede in his behalf. I have enclosed a draft letter, which may be altered as the Senator wishes. The applicant's case number will be available to me later this week, at which time I will forward it to you. Kindly let me know your thoughts on this matter. I can be reached on my cell phone at 646-733-7883, office at 718-990-6581, by fax at 718-9902088, or by email at changc@stjohns.edu.

Foremost, please let us know when the Senator is having her next fundraiser party so that we may participate in her support.

Most sincerely yours,

Cecilia S. Chang

JOEL S. COHEN, P.C.

ATTORNEY AT LAW
225 Broadway, Suite 1203
New York, NY 10007
Tel.: (212) 571-8899
Fax: (212) 571-9557
Email: jcesq99@gmail.com

September 28, 2012

EX PARTE AND UNDER SEAL

By telefax

Honorable Sterling Johnson, Jr.
Senior United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Cecilia Chang
Docket No. 11 Cr. 00 67 (S-2) (SJ)

Dear Judge Johnson:

We write to apprise the Court of a situation regarding our client Cecilia Chang. Your Honor will recall that at a recent conference Ms. Carol Eng, one of the suretors on the bond, asked to be removed because of her concerns regarding her excessive drinking and statements Ms. Chang made regarding the fact that she was contemplating suicide. As this was consistent with our own observations we had Ms. Chang evaluated by Jane Cranston, LCSW, CASAC, a certified OASES consultant. She advised us yesterday that in her professional opinion:

“Ms. Chang’s alcohol consumption is at a critical level requiring an immediate medical intervention. She should be admitted in to a detox facility connected to a medical center and then referred to an in-patient substance abuse treatment program. Were the client open to these suggestions, which she is not claiming she must address her legal matters first, I would recommend she enter the Detox and Stabilization Unit at St. Luke’s Hospital branch of St. Luke’s and Roosevelt Hospitals and then transferred to the in-patient unit at the Addictions Institute at Roosevelt Hospital. It is my belief the client poses a serious threat to her health and possibly her life due to the quantity and frequency of the alcohol she consumes.”

Honorable Sterling Johnson, Jr.
Senior United States District Judge
Re: U.S. v. Chang
Page two

She has frequently brought Poland Springs bottles to meetings with counsel which we observed to be filled with vodka. Our efforts to get her to bring her drinking under control have failed.

We have grave questions about her ability to assist us in her defense. We find it extremely difficult, if not impossible to get her to focus on important issues we've tried to discuss with her. This situation has gotten substantially worse over the past few months. This is by no means an effort to avoid trial and it's something we've hoped would not be necessary. In view of the alcohol evaluators opinion which we just received yesterday we have significant professional and ethical concerns about what appears to be an imminent threat to her health as well as her ability to participate meaningfully in her defense. We respectfully ask that Your Honor make some time for us on Monday so that we may be heard ex parte on a sealed record to seek your guidance regarding how to proceed. Thank you for considering this.

Very truly yours,

/s/ ALL COUNSEL BELOW
Alan M. Abramson (AA1600)
Stephen R. Mahler (SM1501)
Joel S. Cohen (JC6998)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,	:	11-CR-0067(SJ)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	Monday, October 1, 2012
CECILIA CHANG,	:	2:15 P.M.
	:	
Defendant.	:	

- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S:

For the Government: LORETTA E. LYNCH, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: CHARLES KLEINBERG, ESQ.
LAN NGUYEN, ESQ.
Assistant United States Attorney

For the Defendant: STEVEN MAHLER, ESQ.
JOEL COHEN, ESQ.
ALAN ABRAMSON, ESQ.

Court Reporter: Richard W. Barry, RPR
Official Court Reporter
E-mail: rwbarrycourtreporter@gmail.com

Proceedings recorded by computerized stenography.
Transcript produced by Computer-aided Transcription.

1 COURTROOM DEPUTY: United States versus Chang.

2 THE COURT: Step up, please.

3 Mr. Kleinberg.

4 MR. KLEINBERG: Good afternoon, Your Honor.

5 THE COURT: Appearances.

6 MR. KLEINBERG: Charles Kleinberg and Lan Nguyen for
7 the United States.

8 MS. NGUYEN: Afternoon, Your Honor.

9 THE COURT: Afternoon.

10 MR. ABRAMSON: Afternoon, for Ms. Chang, Alan
11 Abramson.

12 MR. MAHLER: Steven Mahler, also for Ms. Chang.

13 MR. COHEN: Joel Cohen also for Ms. Chang, properly
14 dressed Your Honor.

15 THE COURT: Yes.

16 MR. COHEN: And with us with your permission is a
17 third year student at Brooklyn Law, Quincey Arburs(phonetic),
18 she interned with me. I asked her to be present.

19 THE COURT: Ms. Chang.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Afternoon.

22 All right. Judge Johnson is not in the Courthouse
23 today and he asked me to examine the situation with regard to
24 Ms. Chang.

25 We have a letter, the Court has a letter from the

1 defense which has been submitted ex parte.

2 MR. COHEN: Judge, if I may respectfully, we
3 provided the Government over the weekend with a copy of the
4 letter.

5 THE COURT: Okay. Then it is no longer ex parte.
6 But it is still-- you propose to keep it under seal; is that
7 right?

8 MR. COHEN: Yes, sir.

9 THE COURT: And the question is, how may the Court
10 be of assistance to the parties?

11 MR. KLEINBERG: Well, if you want me to respond to
12 the letter, I'm happy to right now.

13 THE COURT: Why don't you do it.

14 MR. KLEINBERG: Okay. I will.

15 There are two really separate issues that are in
16 some sense lumped together by the letter and there are two
17 very different issues. The two different questions are, one,
18 whether the defendant has a drinking problem that is serious,
19 even very serious. That is question number one.

20 But, question number two is, whether the defendant
21 is competent to stand trial which of course means, whether she
22 understands the proceedings against her and can assist in her
23 defense.

24 Your Honor, we do oppose the request. But, it is
25 really important to separate those two questions.

1 The first thing I just need to address is that based
2 on a number of things of which Your Honor is not aware, as
3 well as what Your Honor is aware of, there is really no
4 serious concern at the moment that the defendant is not
5 competent to stand trial. Let me explain why.

6 First of all and perhaps foremost, the excerpt from
7 the expert that is provided in the letter, does not even
8 suggest that the defendant is not competent to stand trial.
9 Indeed, that expert claims that the defendant must address her
10 legal matters and that she is doing that, rather than
11 addressing her drinking.

12 But there are a number of other things that Your
13 Honor needs to be aware of. First of all, ten days ago, just
14 a week before last Friday, we conducted a Rule 15 deposition
15 of a witness who wouldn't be available for trial next week.

16 THE COURT: When is this trial?

17 MR. KLEINBERG: The trial is scheduled for Tuesday.
18 This is coming literally on the eve of trial. This request
19 and we first heard of it on Friday evening.

20 THE COURT: Go ahead.

21 MR. KLEINBERG: And, I just as some background and
22 then it will go back to these two issues, this is the fourth
23 set of attorneys that the defendant has had, and that has
24 already resulted in numerous adjournments. We were supposed
25 to try this case originally in February. It is now on for

1 next week, I believe-- again, I won't speak for Judge Johnson
2 he made it very clear he does want to go to trial.

3 Let me address these issues that are in the letter.
4 As I mentioned there was a Rule 15 deposition ten days ago.
5 It took three hours, we have it on video tape. During that
6 entire time, the defendant was present, she was paying very
7 close attention to the proceedings, taking copious notes, some
8 of which were seen to be passed to her attorney.

9 At the deposition, the witness, the witness, not the
10 defendant, testified that the defendant had called up the
11 witness' uncle and threatened to sue the witness. So we
12 brought that up before Judge Johnson a week ago, today, and he
13 admonished her that if she threatens a witness, she will be
14 immediately remanded.

15 And threatening a witness is a way, albeit a very
16 illegal way to demonstrate that she does intend to defend
17 herself and knows how to do it in this case illegally.

18 But, she has been seen around the Courthouse, last
19 week. I saw her there myself, last week.

20 Counsel has advised--

21 THE COURT: What do you mean, she was seen around
22 the Courthouse?

23 MR. KLEINBERG: I saw her outside of Judge Johnson's
24 courtroom on Tuesday when there was no proceeding. I was
25 walking towards the Courtroom.

1 THE COURT: There is nothing illegal about that.

2 MR. KLEINBERG: I didn't say there is anything
3 illegal.

4 The point is, she is very very aware of the
5 proceedings against her and is very capable of assisting in
6 her defense.

7 Counsel has advised that the defendant is reviewing
8 the Government's exhibits of which there are many. She is
9 personally trying to bring witnesses to the U.S. from Taiwan
10 to testify.

11 THE COURT: Is there any issue about her, apart from
12 the issue that you raise, about alleged threats against
13 witnesses who may testify. Is there anything else that would
14 inform the Court's decision whether to remand her.

15 MR. KLEINBERG: Well, we think actually she should
16 be remanded. That is in fact our position and that will
17 adequately address any concerns on the second separate issue
18 namely--

19 THE COURT: Why should she be remanded?

20 MR. KLEINBERG: Well, for two reasons.

21 THE COURT: My role here is very limited. I am not
22 trying this case. I am not handling the motions in limine. I
23 have just been asked in my capacity as a miscellaneous Judge
24 to address the request of defense counsel. So that is why I
25 am here.

1 MR. KLEINBERG: I understand and perhaps this needs
2 to be done in consultation with Judge Johnson.

3 THE COURT: No. Judge Johnson asked me to do it. I
4 am doing whatever needs to be done. But in the very limited,
5 limited issue of whether this defendant should be out or in,
6 or whether there should be something done in terms of some
7 kind of treatment or whatever.

8 MR. KLEINBERG: Okay.

9 Well, in terms of treatment, and keeping her alcohol
10 free, that can be done at MDC. They have a full set of
11 alcohol and other drug abuse treatment programs. They have a
12 full staff of psychotherapists. If any medical issue were to
13 arise, she can be brought to the hospital. I must advise Your
14 Honor, that there is a huge risk of flight that is still
15 present.

16 THE COURT: Why?

17 MR. KLEINBERG: I'm going to explain.

18 THE COURT: Good.

19 MR. KLEINBERG: First of all, I just need to advise
20 Your Honor, that she is dual citizen of both Taiwan as well as
21 the United States. She has multiple bank accounts overseas,
22 we have been concerned about the flight risk and it came up.

23 THE COURT: How much money does she have overseas,
24 if you know.

25 MR. KLEINBERG: I don't know offhand right now

1 because we don't have current accounts. We do know this, one
2 of the suretors on her bond, a suretor who was posting a
3 \$600,000 house, wanted to get off the bond. That was part of
4 the hearing we had in front of Judge Johnson a week ago.

5 THE COURT: What happened?

6 MR. KLEINBERG: Judge Johnson--

7 THE COURT: What happened.

8 MR. KLEINBERG: What Judge Johnson said is, he
9 refused to let her off the bond until the defendant could come
10 up with substitute property, worth \$600,000. They had claimed
11 that they were going to perfect a substitution of property by
12 Tuesday. Here it is, almost a week later, it hasn't been
13 done. In fact the suretor has been calling us asking why the
14 other property hadn't been posted.

15 MR. COHEN: If I may, Your Honor, just to make the
16 record complete.

17 The reason that the surety stated she wished to be
18 off the bond, was because Ms. Chang's drinking was out of
19 control and that she had expressed suicidal ideations and
20 thoughts and she was concerned about her for that reason, and
21 no longer wished to be responsible.

22 I have discussed with the Government a substitute
23 asset. Ms. Chang has a retirement account with about \$700,000
24 in it. The Government asked me to prepare an assignment which
25 I have prepared and which Ms. Chang is prepared to execute in

1 favor of the Government for half a million dollars.

2 I didn't think that was going to be part of the
3 issue today, since I thought we had come to terms on that
4 aspect of it.

5 She also is not in possession of any passport.

6 THE COURT: Yes. But that sort of begs the
7 question, if she goes to the consulate, she can get a passport
8 on a moment's notice if she is a citizen of Taiwan. There is
9 no way that the Court can bar the -- or whatever they have
10 here. I don't know what you would call it. Since they are
11 not, they are not recognized by the United States.

12 The legation office or whatever it is, that they can
13 simply issue her a passport and off she goes.

14 MR. COHEN: You are right, Judge, that could happen.
15 But for the fact that she is on electronic monitoring with
16 GPS. So that pretrial always knows where she is.

17 THE COURT: Okay.

18 MR. KLEINBERG: We would be notified as she is
19 fleeing, or after she has fled. That is what happens.

20 THE COURT: I understand your point. I understand
21 your point. Let's move on.

22 MR. KLEINBERG: Well, in any event, as I say, we
23 don't see any substantial showing of incompetence and the real
24 question is, her drinking. And insofar as her drinking is
25 involved, as I say, that can be handled at MDC. It is set up

1 to deliver her to the part of the criminal justice system to
2 deliver her to court, we have been assured that no matter what
3 takes place there, she will be given full right to meet with
4 her attorney. Of course she will be alcohol free in MDC.

5 And to the extent that the suretor claims that her
6 drinking caused concern for the suretor, and the suretor is
7 only implicated if the defendant flees, then it is important
8 that we seek to control it in the appropriate way. I think
9 remand is appropriate.

10 THE COURT: Well, if she is prepared to assign half
11 a million dollars to secure her freedom so to speak, then
12 wouldn't-- isn't that a pretty clear indication she is not
13 planning to go anywhere?

14 MR. KLEINBERG: Here is the problem, Your Honor.
15 What we had asked for, was documentation showing that the
16 money really exist somewhere. This case involves substantial
17 and repeated lies about assets by the defendant. I'm not
18 accusing counsel of anything.

19 But that is just what this case is all about.

20 THE COURT: Where is this money?

21 MR. KLEINBERG: I don't know.

22 MS. NGUYEN: We had asked for two things from
23 defense counsel. First is contact with someone at the
24 financial institution that we can speak to, because our civil
25 division has asked for us to make sure that this is a piece of

1 property. This money in the retirement account that can be
2 transferred to the government. We asked defense counsel for
3 two things, one an assignment so it can be reviewed and two,
4 contact information from someone from the financial
5 institution that we can interview to make sure it is the kind
6 of property that we can actually take.

7 MR. KLEINBERG: That it is really there.

8 MR. COHEN: May I just talk.

9 (Pause.)

10 MR. COHEN: We provided the Government with the last
11 monthly statement that indicated I think that there was about
12 648 or \$668,000 in the account as of the last day of last
13 month.

14 THE COURT: Where is the account?

15 MR. COHEN: TIAA-CREF.

16 MS. NGUYEN: In light of the types of documents --

17 THE COURT: What is it doing with TIAA-CREF, aren't
18 they-- can you deposit funds with them, irrespective of
19 whether you are a teacher or professor?

20 MR. COHEN: Yes, Judge. She was an employee of
21 Saint John's University for thirty years and it was a pension
22 plan that was partially funded by Saint John's, partially
23 funded by the defendant, that has now a market value of in
24 excess of \$650,000.

25 MR. ABRAMSON: When it said she was an employee, she

1 was a dean at Saint John's.

2 MR. KLEINBERG: And terminated for the acts that
3 resulted in this prosecution, which involved defrauding Saint
4 John's out of \$1.1 million.

5 THE COURT: This was in the newspaper.

6 MR. KLEINBERG: I believe it got some press
7 initially, yes, it did.

8 THE COURT: So, if these assets can be verified they
9 exist, and that they are transferrable to the Government, then
10 does that diminished your concern about whether this defendant
11 may flee?

12 MR. KLEINBERG: Well, to the extent that we are now
13 being told for the first time that there is a substantial
14 problem with her drinking, we have always been concerned of
15 flight and we are now told that it maybe a serious drinking
16 problem. We are even more concerned and we don't know what
17 she has overseas right now. We can only trace accounts in
18 three countries. We don't know.

19 THE COURT: What countries?

20 MR. KLEINBERG: She is Taiwan, China, Turkey and
21 Hong Kong, four.

22 THE COURT: Hong Kong is part of China.

23 MR. KLEINBERG: Separate Republic, but, yes.

24 THE COURT: Well.

25 MR. COHEN: It is a special administrative region.

1 THE COURT: Thank you for the geopolitical lesson.

2 MR. COHEN: Judge.

3 MR. ABRAMSON: Your Honor, this was a very difficult
4 letter for us to write to the Court and the last thing we want
5 to do is interfere with the relationship that we have with Ms.
6 Chang. We are on the eve of trial and but -- quite frankly,
7 we wrote this letter because of our concern over a medical
8 issue.

9 Yes, to be very candid with the Court, Ms. Chang has
10 had an issue with alcohol for many many years. Forty years to
11 be precise and we have been aware of it and we have been
12 trying to deal with it as we could.

13 But, the issue has become for us, a major concern
14 for her health. As a side light to that, it becomes an issue
15 for us in terms of her ability to go through material with us
16 and respond to our questions about the material we are
17 receiving from the Government. But quite frankly my first
18 concern was her health. That is why I referred her to Ms.
19 Cranston, who is an Oasis counselor. We have her CV, provided
20 it to the Government.

21 Very candidly, Ms. Cranston indicated to me that
22 this was probably one of the worst situations she has ever
23 seen, certainly involving a woman. Ms. Cranston had very very
24 deep concerns about her health, and I think the Government--
25 Ms. Cranston is not making a determination as to her ability

1 to assist counsel. That is not-- that is outside of her
2 abilities. But what she was saying was that, Ms. Chang is so
3 focused on legal issues that she is ignoring the health issues
4 relating to the drinking.

5 Judge the problem has become much worse for us and
6 the drinking we believe has become much worse. What we are
7 asking for at this point is for her to go into a three to
8 five-day detox program. We believe that we can get her into
9 Saint Luke's Roosevelt Hospital. It is an excellent program
10 and it will deal with the medical issue that we are
11 describing.

12 We would still be able to speak to her at times but
13 we want her to get the best possible medical care.

14 THE COURT: How long has this problem been of note
15 to you, that you have known that it existed?

16 MR. ABRAMSON: Judge, we have known that alcohol has
17 been an issue in her life. When it became more--

18 THE COURT: How long have you been her attorneys?

19 MR. ABRAMSON: Eight months?

20 MR. COHEN: Seven or eight months.

21 THE COURT: When did you determine that she had a
22 drinking problem?

23 MR. COHEN: Judge, we determined that she had a
24 drinking problem fairly early on. We actually had her
25 forensically evaluated over the summer because we had real

1 questions about her competence.

2 To our surprise, the forensic person that examined
3 her thought that she was competent, although her judgment was
4 somewhat impaired by her drinking. We have tried to the
5 extent possible, to get her to bring her drinking under
6 control. We have told her not to come and see us when she has
7 been drinking. I asked her to leave my office once when I
8 found that she was drinking vodka out of a Poland Spring
9 bottle.

10 We have tried to address it to the extent that we
11 could. It has gotten substantially and significantly worse
12 over the past six weeks or so, and that is what occasioned us
13 to have her evaluated.

14 Once we saw the evaluation, and realized that Ms.
15 Cranston thought that Ms. Chang is in immediate medical danger
16 to the extent that in a separate E-mail, she told us she is a
17 very sick woman in so many levels, and that she would call
18 911, or that Ms. Chang would refuse to go. That is what
19 occasioned us to write to the Court.

20 I understand that the Government's concern is that
21 this is a cumbersome trial, it has been preparing for a long
22 time. I am sure they feel that this is a last ditch effort to
23 put trial off even longer.

24 Believe me, Judge, there is not an attorney standing
25 here that wants to delay this trial by a day. We are geared

1 up, we have been preparing day and night, weekends, week in
2 and week out. We would like to try the case.

3 At the same time, we would like to have a client who
4 notwithstanding and with due respect to Mr. Kleinberg's view,
5 that she is competent, I would like to have a client that can
6 answer a question rationally, and--

7 THE COURT: You want her to be sober as well as
8 competent?

9 MR. COHEN: Yes, sir.

10 THE COURT: Here is the thing, I don't do
11 interventions, that is not the nature of what the Court does.
12 And my concern is that if there were-- had been a problem over
13 time, the person to talk to about it, and to try to place Ms.
14 Chang into a program of some kind, would have been the Judge
15 who was assigned the case.

16 MR. COHEN: There were actually some informal
17 discussions with pretrial over the summer about whether it
18 would add some sort of alcohol counseling or evaluation, and
19 for reasons that I don't recall, they just never went
20 anywhere.

21 We did have those discussions and we did write to
22 Judge Johnson within an hour of having Ms. Cranston's
23 evaluation.

24 THE COURT: That is this letter?

25 MR. COHEN: Yes, sir.

1 THE COURT: Well, Mr. Kleinberg is stating that he
2 believes that Ms. Chang is a flight risk. Could you address
3 yourself to that.

4 MR. COHEN: Yes, Judge.

5 She is on bond in her State case of I think a
6 million dollars. She has posted property in this case, that
7 is worth a couple of hundred thousand dollars and is now
8 prepared to pledge half a million dollars of this account. If
9 the Government wanted it all, we would been happy to post it
10 all. When we last spoke, it seemed like everybody was
11 satisfied with the sum of half a million dollars.

12 We are not trying to save anything in reserve, you
13 know, this is an effort to show good faith on Ms. Chang's part
14 and we are happy to pledge the entire account.

15 MS. NGUYEN: Your Honor, the Government agreed that
16 \$500,000 of the account would be sufficient as long as we had
17 assurances from the financial institution itself that it was
18 property that could be posted.

19 THE COURT: How would you go about getting those
20 assurances may I ask?

21 MS. NGUYEN: Your Honor, I asked defense counsel to
22 provide a contact information for someone at the financial
23 institution who could tell us whether there are any issues
24 with posting that property.

25 I told defense counsel that our civil division had

1 an issue of whether there were ERISA issues, other legal
2 issues about the property since it is a retirement account and
3 that we needed to interview somebody from the financial
4 institution to one, make sure that the money is actually there
5 and find out whether it could be something posted.

6 THE COURT: When did you find out that there was
7 this document to transfer the funds?

8 MS. NGUYEN: Just now.

9 MR. COHEN: Ms. Nguyen asked over the weekend to
10 prepare an assignment, I said I would.

11 MS. NGUYEN: I asked for the assignment last week at
12 the status conference.

13 MR. COHEN: She asked for it last week. We spoke
14 about it again over the weekend and I brought it today.

15 MR. KLEINBERG: Your Honor, again, that is before we
16 were visited with this letter, late on Friday, which does to
17 us, create additional risks of flight. I mean if her drinking
18 is that bad, we are concerned as the suretor was, and that
19 raises another issue. We have no problem with her being
20 evaluated at MDC, but we do think at this point in time, that
21 she is a substantial risk of flight and that is why we make
22 the alternative request where she can get all the treatment
23 she needs. She will be alcohol free. She can visit with
24 counsel and she can be treated if she needs treatment.

25 MR. MAHLER: I am a rather new comer in the case.

1 THE COURT: I am too.

2 MR. MAHLER: I never heard an argument in all my
3 years of practice that someone's intoxication makes them a
4 greater risk of flight. But I have to tell you that one of
5 the key reasons that we are here, is that I have been trying
6 to prepare for trial with her. I find because of her
7 condition she is unable to focus most of the time on, in our
8 conferences, and it is hard to prepare for an imminent trial
9 with somebody in that condition.

10 All we are really asking is, for a little while to
11 have her detoxified and put into better condition so we are
12 better able to work with her.

13 I mean this is over and above her own health
14 necessity.

15 THE COURT: I appreciate that. You are a week from
16 trial. She-- it appears from the letter, from what you say,
17 that from the evaluation that the defendant has a serious
18 drinking problem that didn't arise over the last week or the
19 last month, that is long standing, may have contributed to
20 some of her actions, who knows.

21 But, the time--

22 MR. MAHLER: As she has gotten closer to trial, of
23 course she is so pent up, as you can naturally imagine that it
24 has exacerbated the problem.

25 THE COURT: I see. All right.

1 I will take a five minute break and then I will come
2 back and let you know what we will do.

3 Anything else from the Government --

4 MR. KLEINBERG: No, Your Honor.

5 THE COURT: -- that I should be considering?

6 MR. KLEINBERG: No.

7 THE COURT: Would it make a difference to you,
8 regarding Ms. Chang's-- regarding your request that the bail
9 be revoked that if you learned that the half million dollars
10 in TIAA-CREF, deposits, was reachable by the Government?

11 MR. KLEINBERG: I mean it would provide us with
12 something. But I must say, Your Honor, given the present
13 condition, and the present circumstances which we were first
14 advised of on Friday, and we didn't even get the letter until
15 Sunday, in light of that, we would still be gravely concerned
16 about the flight risk and again, we do point out, that
17 everything the defendant is asking for, can and will be
18 provided at MDC.

19 THE COURT: Okay.

20 Yes, anything further?

21 MR. COHEN: Yes, Judge.

22 I having practiced here for a number of years, I'm
23 somewhat familiar with the ability of the MDC to meet the
24 medical, psychiatric and substance abuse needs of its inmates.
25 All I can say is that I'm satisfied that Ms. Chang would

1 receive significantly better treatment at Saint Luke's than
2 she would at MDC.

3 My concern--

4 THE COURT: Why didn't she just go there? Why do
5 you need a Judge to tell you that she needs to be in rehab?

6 MR. COHEN: She has not been amenable to treatment,
7 Your Honor.

8 THE COURT: What makes you think that she is going
9 to be amenable to treatment if she goes to Saint Luke's?

10 MR. COHEN: Because it is a condition of her bond
11 that she be inpatient for detox then she will be there.

12 MR. ABRAMSON: She has been extraordinarily
13 compliant with all the other conditions of the bond. There
14 have been no issues relating to her not appearing on time for
15 pretrial, any issues relating to the bracelet that she is
16 wearing.

17 Judge, in a sense, we took this extraordinary step,
18 to ask the Court to help us, to just--

19 THE COURT: I understand what you did. Stop. I
20 understand. It is very difficult for defense counsel to write
21 a letter like this.

22 MR. COHEN: Yes, it was.

23 THE COURT: It is very hard, I appreciate it. I am
24 not the Judge trying the case. You are a week from trial, you
25 have got a client who has been sick, if you will, with

1 alcoholism for a long time, and now you are raising the issue
2 at the last minute as Mr. Kleinberg aptly points out that she
3 may not be able to assist in her own defense, which is after
4 all, more than just a statement about her health. It is a
5 question about whether she can go to trial in the first place.

6 So there are lots of issues here.

7 MR. COHEN: We are actually not raising that issue.

8 THE COURT: No, what does this say? It says it
9 right here.

10 I just want-- I just want to understand what this
11 means.

12 MR. COHEN: Sure.

13 THE COURT: In view of the alcohol evaluator's
14 opinion which we just received yesterday, we have significant
15 professional and ethical concerns about what appears to be an
16 eminent threat to her health, as well as her ability to
17 participate meaningfully in her defense.

18 MR. COHEN: That's right. Arising from her abuse of
19 alcohol.

20 I think if she is sober and clear headed, it would
21 be a different situation.

22 THE COURT: She is going to get better in a week and
23 be able to assist in her defense?

24 MR. COHEN: I don't know, I hope so.

25 MR. ABRAMSON: Judge, it will certainly-- it is not

1 going to answer the life long problem, Judge. But, as a
2 detox, it will certainly give her a leg up and an ability to
3 begin to stay sober during the trial and assist us.

4 We don't intend to not just speak to Ms. Chang while
5 she is in the program. We intend to still meet with her, but
6 we think that this will give us a better ability to confer
7 with her and at the same time, give her better ability to
8 remain sober during the trial.

9 THE COURT: I understand.

10 MR. COHEN: Thank you.

11 THE COURT: Let's take ten minutes.

12 (Recess taken.)

13 THE COURT: All right. It appears from the
14 discussion that we had before the break, that the defendant's
15 condition has deteriorated. It also appears that there is
16 certainly means by which the defendant could flee, inasmuch as
17 she has dual citizenship and could obtain a passport from the
18 Taiwanese government, if she wished.

19 It appears she has the resources to flee and even
20 though she is on electronic monitoring, the Government is
21 correct in its assertion that it would be possible for her to
22 flee notwithstanding the fact that she is on monitoring.

23 The fact is, that there is a preponderance of
24 evidence that she is a flight risk, and I'm going to therefore
25 revoke her bail and she is going to be placed at the MDC with

1 the Bureau of Prisons until Thursday, when at 9:30, there will
2 be a status conference before Judge Johnson and you can
3 address whether there are any conditions of bail, that would
4 be such that he would consider having her released either to
5 home monitoring or to some facility, such as the one
6 identified in the September 28th letter from defense counsel,
7 at Saint Luke's Roosevelt Hospital to deal with her alcohol
8 problems.

9 So, that gives us between today and Thursday for you
10 all to work out some terms and conditions of bail, that would
11 guarantee her availability for trial, whenever trial is going
12 to be.

13 MR. COHEN: Judge, is--

14 THE COURT: That is it. That's it.

15 MR. COHEN: Now, will Your Honor endorse her commit
16 to the MDC so she will be immediately seen by a physician upon
17 her arrival and not just put in the hall for a couple of days,
18 which is their usual practice and receive any counseling or
19 medication that she may need?

20 THE COURT: What medication?

21 MR. COHEN: I don't know.

22 THE COURT: Does she take medicine? Or does she
23 just take alcohol?

24 MR. COHEN: I'm talking about any medication that
25 might otherwise be provided to assist her detoxification. The

1 Government has represented that they can treat her.

2 THE COURT: Understood.

3 I'm going to ask the Government to contact the MDC
4 immediately, to advise the MDC that the defendant has been
5 remanded, that the defense counsel has indicated that the
6 defendant has severe alcohol problems. She should be seen
7 immediately.

8 And by tomorrow, at noon, I want a letter stating
9 what has been done to-- with regard to her medical condition
10 such that it is.

11 We have a copy to the defense.

12 If I don't get-- If I don't have a satisfactory
13 answer then we will all be back here tomorrow afternoon. That
14 is the best I can do.

15 MR. COHEN: Thank you, Judge.

16 MR. KLEINBERG: Thank you, Your Honor.

17 MS. NGUYEN: Thank you.

18 THE COURT: I have signed the remand order.

19 Now, I would suggest and I am not telling you to do
20 this, but if you think that there is a possibility that Judge
21 Johnson will be amenable to some other solution that can be
22 arranged, including the half million dollars in the TIAA-CREF
23 account and some program for her care, bring it to his
24 attention on Thursday because-- I wouldn't wait.

25 MR. COHEN: Will this hearing Your Honor be before

1 Judge Johnson?

2 THE COURT: Yes, absolutely. This is before-- I'm
3 sorry, I didn't make that clear.

4 9:30 a.m. on Thursday before Judge Johnson.

5 MR. COHEN: Very well.

6 I have just handed up to Your Honor and given to the
7 Government, an executed assignment which is notarized by Ms.
8 Chang in favor of the Government.

9 THE COURT: I would hold onto it for Judge Johnson
10 don't give it to me.

11 MR. COHEN: I thought you might want to make it part
12 of the Court file.

13 THE COURT: Let me say what it is for the record.
14 Why don't you say what it is.

15 MR. COHEN: It is essentially, Judge, an assignment
16 of half a million dollars from the two funds, and the accounts
17 are identified by account number. It is a notice to
18 TIAA-CREF, that Ms. Chang has assigned half a million dollars
19 to the United States Attorney for the Eastern District of New
20 York to guarantee her appearances for this case.

21 THE COURT: Okay.

22 MR. COHEN: And that it should remain in effect
23 until such time as it is released by the Government.

24 THE COURT: Let me also say that there has to be
25 verification of the availability of those funds which has not

1 occurred. If it occurs by Thursday, Judge Johnson may find
2 that satisfactory to allay any concerns about the defendant
3 appearing or not appearing at trial.

4 So, there is that. But also, I took into account
5 the fact that the defendant is not reliable and that she, you
6 know, according to her own counsel is not-- apparently not
7 dealing with her responsibilities to assist them, whether that
8 constitutes a legal problem or not, it certainly is of concern
9 if she is not-- if she is under the influence of alcohol at a
10 given time when she should be assisting her attorney.

11 I don't know what exactly is going on here, but it
12 is clear to the Court that, you know, you are raising an issue
13 that I can't judge, what it all means, that is something for
14 Judge Johnson to deal with and I'm sure he will.

15 But I do believe that she is a flight risk, by
16 virtue of her unpredictability.

17 Thank you have a nice day.

18 MR. COHEN: Also, may I just add that Pretrial
19 Services is here and we will over the next 48 hours, try to
20 work with them in terms of setting up some sort of set of
21 conditions that would satisfy the Court as well as address Ms.
22 Chang's need for detox.

23 THE COURT: Ms. Chang has to understand that it is
24 more difficult for counsel to do its job, when she is in jail
25 than when she is available to come to your office and assist

1 you there, and it is not impossible, it happens all the time,
2 that lawyers have to go to the MDC to see their clients and
3 they can prepare for trial that way.

4 But, if there is an easy way to do it, and a hard
5 way to do it, the best path is the easy path. But it takes
6 cooperation and for whatever reason, if there isn't
7 cooperation, it just makes counsel's job hard.

8 MR. MAHLER: You use the term "unpredictable". As
9 far as being timely, punctual, she is never unpredictable in
10 that sense.

11 MR. COHEN: She is always a half hour early.

12 MR. MAHLER: It is just the matter of being clear
13 headed in dealing with us. But she was never not punctual or
14 never failed to show up. She shows up far in advance of what
15 we do. She is very reliable in that sense.

16 MR. ABRAMSON: Just to add, there is a lot of E-mail
17 communication in this case. I can tell you that there hasn't
18 been an E-mail that has been not answered. Sometimes I
19 question the answers, but she has always met her
20 responsibility that way in a very very prompt and appropriate
21 way.

22 MR. COHEN: My last E-mail from her was at 1:45 a.m.
23 today.

24 MR. KLEINBERG: I will just put on the record, just
25 for the sake of it, because Your Honor has ruled, that she has

1 not been compliant with her bail conditions. She threatened a
2 witness which was a serious matter. I am putting that there,
3 Your Honor.

4 THE COURT: You made that assertion. I'm ruling on
5 the basis of not dangerousness. I am ruling on the basis that
6 she is a flight risk.

7 MR. KLEINBERG: Yes.

8 THE COURT: If you want to go into the dangerous
9 issue, we will put some witnesses on the stand and have that
10 hearing. I am not ruling that way.

11 MR. KLEINBERG: I understand.

12 THE COURT: I am reaching no conclusion about that
13 assertion because it would take more in terms of the level of
14 proof number one. But, number two, it is a very serious
15 conclusion to reach that someone is dangerous because she is
16 threatening witnesses.

17 I'm not going there.

18 MR. MAHLER: Threatening in the sense with hitting
19 her with a summons and complaint.

20 THE COURT: I don't know what it is.

21 MR. MAHLER: That is what they are claiming.

22 THE COURT: Mr. Mahler, I don't know. Counsel
23 hasn't told me, you know, the details. So if you would like
24 me to hold a hearing, I will hold a hearing.

25 MR. COHEN: No, Judge, he did tell Judge Johnson the

1 details and Judge Johnson's way of dealing with it was to
2 admonish Ms. Chang in the event anything like that were to
3 occur, he would revoke her bail and it was dealt with.

4 THE COURT: I have not ruled on that. That's it.
5 Thank you.

6 MR. KLEINBERG: Thank you.

7 (Matter concluded.)
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November 3, 2012

To: Cecilia Chang

By Hand

You have made it clear to us that you're determined to testify at your trial. Though we have on innumerable occasions told you that this is an extremely dangerous course of action you have repeatedly told us that you will testify no matter what we say. Of course you have an absolute right to testify in your defense, but by the same token you have the right NOT to testify. We want to set forth here some of the dangers involved in you testifying that we've discussed to give you a final chance to re-think this decision.

Most lawyers agree that the biggest danger for a defendant who chooses to testify is that if the jury doesn't believe even one thing that you say they will shift the burden of proof away from the Government to you and find you guilty. Ms. Nguyen and Mr. Kleinberg are both able prosecutors and we can certainly see that their cross-examination of you may be very helpful to the Government and thus harmful to you.

Moreover, as we've repeatedly told you, if you're convicted Judge Johnson can increase your sentence significantly (by years) if he feels that you testified falsely. Usually a defendant who testifies and is convicted gets this enhanced sentence. As we understand it the testimony you plan to give does not constitute a valid defense to the last eight counts of the Indictment, even if it's believed. Thus testifying will not only not get you acquitted, it will quite possibly make it even easier for the jury to find you guilty. You should also remember that 203 of the 205 counts in the State case charge Falsifying Business Records. If you admit that you had ANY involvement in altering the Taishin statements that testimony alone will get you convicted in the State case.

In addition there are ethical considerations for us as lawyers that we must make you aware of. In a case called *Nix v. Whiteside* the United States Supreme Court established rules for attorneys whose clients insist on testifying when the attorney suspects that the client will testify falsely, or in

the event that the defendant gives false testimony. The Court said that in such a situation defense counsel is obligated to dissuade the client from testifying. If the client still insists on testifying, defense counsel should advise the client that counsel may seek to withdraw from the case or reveal the perjury to the court. If the client still refuses to testify truthfully, counsel can withdraw. Finally, if the client does testify falsely, defense counsel is obligated to disclose the false testimony to the Court.

[ONE SENTENCE REDACTED] Since then we have attempted repeatedly to warn you of the potential dangers in testifying and you have repeatedly said that it's a waste of time to discuss the subject because no matter what we say you are determined to testify. When we brought this up at lunch last week you refused to discuss it. We now ask that you sign below acknowledging that your attorneys have advised you not to testify and also advised you of our obligations in the event you testify falsely and that with this knowledge you have decided to reject our advice and testify at your trial. Thank you.

Joel S. Cohen

Alan M. Abramson

Stephen R. Mahler

Received and acknowledged:

Cecilia S. Chang

Translated into Mandarin by:

Iris Zhao